IN THE UNITED STATES DISTRICT COURT FOR THE WESTERN DISTRICT OF TEXAS AUSTIN DIVISION

JAKE WEBB, individually and	§
on behalf of those similarly situated,	§
	§
Plaintiffs,	§
,	§
	CIVIL ACTION NO. 1:11-CV-786
v.	§
	§
MIKE YASSINE, HUSSEIN YASSINE,	§
YASSINE ENTERPRISES, LLC, THE	§
DOWNTOWN AUSTIN GROUP LLC,	§
VICCI, INC., WALACHI, INC., 607, L.L.C.,	§
ISLAND OF TREASURE LLC, WAREHOUSE	§
ENTERTAINMENT LLC, ACOUSTIC	§
CAFÉ, LLC, and PURE AUSTIN	§
NIGHTCLUB LLC,	§
	§
Defendants.	§

JOINT MOTION FOR APPROVAL OF SETTLEMENT AND ENTRY OF AGREED JUDGMENT

The Plaintiff, Jake Webb, on behalf of himself and the individuals listed in Attachment A (collectively "Plaintiffs"), and Defendants Hussein Mike Yassine, Yassine Enterprises, LLC, The Downtown Austin Group LLC, Vicci, Inc., Walachi, Inc., 607 L.L.C., Island of Treasure LLC, Warehouse Entertainment LLC, Acoustic Café LLC, and Pure Austin Nightclub LLC (collectively "Defendants"), (together "the Parties") jointly move the Court to approve of the attached Settlement Agreement (**Exhibit A**) and enter the attached Agreed Judgment (**Exhibit B**). In support thereof, the Parties show as follows:

1 This is an action filed under the Fair Labor Standards Act (FLSA), in which Plaintiffs sought recovery for unpaid wages allegedly due and owing to them.

Defendants denied a subset of Plaintiffs' allegations and disputed their entitlement to the full amount of requested wages and the validity of their claims. Plaintiffs' Complaint was filed on September 9, 2011. (Doc 1). The Court granted Plaintiffs' motion for conditional class certification on November 16, 2011. (Doc 16). In total, 56 opt-in plaintiffs consented to join the class.

- 2. The Parties have reached a resolution of this matter and have agreed to (i) the entry by the Court of the Agreed Judgment in the form attached hereto, under which the individual plaintiffs are calculated to receive \$535,000. The individual plaintiffs' identity and award amount are set forth on the Agreed Judgment. The Agreed Judgment also includes an award of attorneys' fees and costs in the amount of \$150,000 to Plaintiffs. This amount represents 22% of the total recovery of the Plaintiffs, an amount which is less than the 40% contingent recovery to which Plaintiffs' counsel is entitled to under its agreements with Plaintiffs. Because of the nature of the claims, the Parties seek Court approval. *See Lynn's Food Stores, Inc. v. U.S.*, 679 F.2d 1350, 1352 (11th Cir. 1982).
- 3. The Parties have reached this resolution in order to avoid the uncertainties of litigation, the attorneys' fees associated with this type of action, and in consideration of the arrest and incarceration of Hussein "Mike" Yassine, the principal of the Defendants, and the closure of the nightclubs operated by the corporate defendants. Importantly, throughout the entirety of the resolution process the Plaintiffs were represented by competent counsel with experience in this area of law. Defendants also were represented by experienced counsel throughout the process.

4. The Parties jointly request that the Court enter an Order approving the settlement and enter the Agreed Judgment.

Respectfully submitted this 23rd day of January 2013,

/s/ Asher Griffin

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